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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re patent application of:

RONALD C. MULLIN et al

Serial No.:

Group Art Unit:

Filed:

Examiner:

Title: Digital Signatures on a Smartcard

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

OCT 21 2003

Technology Center 2100

PRELIMINARY AMENDMENT

Sir:

IN THE CLAIMS

~~Cancel~~ claims 1 to 12 submitted herewith

REMARKS

Claims 1 to 12 correspond in substance to claims 1 to 12 as allowed in the parent application 08/632,845 and are removed from consideration.

In the parent case, the Examiner considered the phrase "**in a deterministic but unpredictable manner**" recited in each independent claims 13 and 21 to be indefinite. The Examiner's position appeared to be that the terms "deterministic" and "unpredictable" are contradictory and therefore do not satisfy the requirements of 35 U.S.C. 112. To support that position the Examiner relied upon the extract from "Primality and Cryptography" by Kranakis, where it notes that for a pseudorandom sequence (which is deterministic), an exhaustive search could determine the seed from which the sequence was produced. This appears to be the basis for suggesting that such a deterministic generation cannot be unpredictable.